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===== Start of Answer #3 (841 words) =====

1. Temporary restraining order (TRO)

* At issue is whether the court can grant a temporary restraining to prevent Sam from selling the queen to other collectors.

A temporary restraining order is an order issued by the court ordering a party to refrain from doing something. A party can request a TRO to maintain the status quo until the hearing on the preliminary injunction. A temporary restraining can last for up to 14 days and then can be renewed for 14 more days. The TRO cannot last more than 28 days.

Here, Rick is trying to prevent Sam from selling the queen to other collectors. If the queen that Sam possesses is one of the 6 queens mentioned in the facts, then the queen is a very unique item and of very high value. If the TRO is not granted, Sam will suffer irreparable harm because it will be almost impossible to convince the other collectors to sell their queen. Money damages will be inadequate because of the uniqueness of the item.

TRO will be granted.

2. Preliminary Injunction

* At issue is whether a preliminary injunction will be granted to maintain the status quo until the final hearing on the merits

A preliminary injunction is an order issued by the court the order someone to do something or refrain from doing something. The party requesting the preliminary injunction must show irreparable harm and likelihood of success on the merits. The court must request the party seeking a preliminary injunction to post a bond to reimburse the adversary if the preliminary injunction was wrongfully granted or if the party who sought the preliminary injunction ends up not succeeding on the

claims.

Here, Rick is trying to prevent Sam from selling the queen to to other collectors. If the queen that Sam possesses is one of the 6 queens metioned in the facts, then the queen is a very unique item and of very high value. If the preliminary injunction is not granted, Sam will suffer irreparable harm because it will be almost impossible to convince the other collectors to sell their queen.

Irreparable harm: Money damages will be inadequate because of the uniqueness of the item. But the court will also take into account the harm that Sam will suffer is the temporary injunction is granted. If the temporary injunction is granted, Sam will not be able to sell the queen to other collectors until there is a final hearing on the merits.

Likelihood of success: if the queen is one of the six queens mentioned in the facts, it is very unlikely that Ricky will succeed on the merits because Sam has a very strong defense that Ricky defrauded him and made misrepresentations.

The court will deny the prelliminary injuntion because it is very unlikely that Ricky will succeed on the merits. If the court decides to grant the injunction to Ricky ad Ricky does not succeed on the claims, he will have to reimburse Sam for the harm or losses caused by the injunction.

3. Specific Performance (SP)

* At issue is whether the court can grant specific performnce to force Sam to sell the queen to Ricky

SP is an equitable remedy and as such, it is in the court's discretion whether to grant it or not. SP is when the court orders a party to do something the party promised he would do under the contract. The party seeking SP must show that there was a valid contract, that the party is ready and able to perform his obligations under the countract or that he has already performed his obligations,

inadequate legal remedies, the party must also show that it is would be feasible to request the other party to perform and that the other party has no defenses.

Valid contract: the facts state that there is a valid contract, so this factor is not in issue.

Contract obligations: Ricky is ready and able to perform. He is ready to pay Sam the \$450

Inadequate legal remedies: Ricky can prove that there are very few queens in the market and that the other collectors are not willing to sell their queen. Because the item is very unique, legal remedies, such as money damages, will be inadequate.

Feasible enforcement: it would be possible to force Sam to sell the queen to Ricky. The queen is in possession. Thus the court can order Sam to perform his obligation to sell it to Ricky

Defenses: Sam has a very strong argument that Ricky defrauded him and made misrepresentations. Ricky knew how unique the item was and about the uniqueness of it. Ricky made false statements when he told Sam that \$450 would be a fair price, Ricky knew the statements were false. Sam relied on Ricky's statements when he entered into the contract. Had Sam known of the real value of the item, he would have not entered into the contract.

Because Sam has very strong arguments that Ricky defrauded him and made misrepresentations, SP will be denied.

(Question 3 continued)

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